

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

STEVE ALLEN,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Case No.: 3:11-cv-00511
	§	
NCO FINANCIAL SYSTEM, INC.,	§	
	§	
Defendant.	§	
	§	

COMPLAINT AND DEMAND FOR JURY TRIAL

STEVE ALLEN (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against NCO FINANCIAL SYSTEM, INC. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing in Arlington, Tarrant County, Texas.
7. Defendant is attempting to collect a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is an alleged debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt by contacting Plaintiff.
9. Defendant is a corporation with its main office located in Cleveland, Ohio and it conducts business in Texas.

FACTUAL ALLEGATIONS

10. Defendant placed collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt that belonged to a debtor with a similar name as Plaintiff.
11. Plaintiff and his wife repeatedly informed Defendant that he is not the debtor that Defendant was attempting to locate and that he did not owe the debt in question.
12. Plaintiff and his wife repeatedly requested that Defendant update its records and cease all telephone communications to Plaintiff.
13. Despite these requests, Defendant continued to contact Plaintiff on multiple occasions after having been informed that it had the wrong phone number.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692b(3) of the FDCPA by communicating with Plaintiff more than once, without being requested to do so and without reasonably believing that Plaintiff's earlier response was erroneous or incomplete; and
 - b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural

consequence of which was to harass, oppress, and abuse Plaintiff.

WHEREFORE, Plaintiff, STEVE ALLEN, respectfully requests judgment be entered against Defendant, NCO FINANCIAL SYSTEM, INC., for the following:

15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*;
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*; and
17. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: March 10, 2011

/s/Peter Cozmyk
Peter Cozmyk Esq.
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, STEVE ALLEN, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

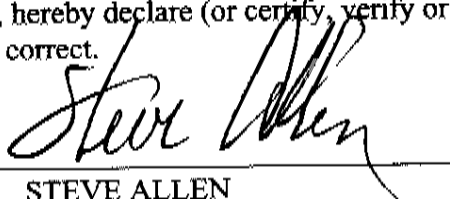
Plaintiff, STEVE ALLEN, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, STEVE ALLEN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

2-28-11

Date


STEVE ALLEN